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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,379	05/29/2002	Daniel Andrew Hilson	081126-000000US	1426
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER LANEAU, RONALD				
ART UNIT 3627				
PAPER NUMBER				

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,379	HILSON, DANIEL ANDREW	
	Examiner	Art Unit	
	Ronald Laneau	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: In claim 3, line 2, there is a typo, "import/expert" should be --import/export--

Applicant's remarks in the preliminary amendment mentions that claims 1-23 are pending but after review by the examiner, it is noted that claims 1-21 are actually pending in this application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilf et al (US 5,899,980).

An electronic commerce system (retail) including the steps of: a series of point of sale terminals (fig. 1, 41, 42, 43, ...) providing for point of sale information handling a number of businesses; an interconnection network interconnecting the point of sale terminals to a central database facility (see abstract; database or table including or storing identification information associating the IP address spaces obtained from the ISPs); a central database facility for storing information about each of said businesses for access by the operators of said point of sale

terminals (col. 7, lines 6-13, col. 8, lines 53-57); and a series of service providers (fig. 1, 31, 32, 33, ...) interconnected to said central database facility for meeting requests issued by said point of sale (col. 7, lines 38-44); a series of suppliers interconnected to said central database facility for meeting requests issued by said point of sale terminals (col. 8, lines 42-60); a system wherein said service providers (payment service providers) include a financial transaction vendor providing financial transaction authorization upon request (col. 11, line 67 to col. 12, line 5); a system wherein said point of sale terminals include local database information and programs which are downloaded on demand from said central database facility (col. 8, lines 53-60); a system as claimed in claim 7 wherein said request are transmitted in the form of XML (HTML which is equivalent to XML) documents to and from said central database facility (col. 7, lines 52-61); a system comprising series of user mobile data entry devices (fig. 1, 51, 52, 61, 62, 71, 72) which interact with said point of sale terminals in the authorization of a transaction.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilf et al (US 5,899,980) in view of Jammes et al (US 2003/0167213).

As per claims 3, 6 and 8, the same rejection to claims 1, 2, 4 and 5 applies. Wilf does not teach periodic update to data-store as claimed but Jammes teaches data records of a product

information database store information including information about products and groups and the relationship between them, software tools of the Merchant Workbench create and update the data records of the product information database in response to user manipulation of the graphical user interface (page 2, [0019], lines 1-7), both Wilf and Jammes have a system wherein said suppliers include at least one of: an import/expert agent, a warehousing agent or a producer as claimed due to fulfilling or supplying products ordered by the consumers.

It would have been obvious to one of ordinary skill in the art to include the periodic update of the data-store as taught by Jammes into the system of Wilf because it would provide a customized store to each customer according to recorded shopping habits of the particular consumer to make the on-line shopping experience convenient and expedient as well as more pleasant (page 2, [0020], lines 6-10).

As per claim 7, Jammes teaches a system further comprising access means for accessing the data-store as a member of the general public using a web browser and does not explicitly teach a means for communicating in a timely manner directly to the Point of Sale merchant and if that merchant is there then communicating with the merchant in actual time but this is implicit to the system of Jammes that while a consumer is shopping, if the merchant is present, communication between the consumer and the merchant can actually happen in real time over the internet as claimed.

6. Claims 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilf et al (US 5,899,980) in view of Jammes et al (US 2003/0167213) and further in view of Herbert (US 5,333,183).

As per claims 10 and 11, the same rejection to claims 1, 2, 4, 5, 8 and 9 applies. Neither Wilf nor Jammes teaches a system wherein said mobile data entry device include telephones but Herbert teaches a system wherein said mobile data entry device include telephones and that certainly would include mobile phones as claimed, a system further comprising a separate interaction unit for users to interact with said central database facility for the viewing of transaction statistics associated with said system (col. 28, lines 32-36, col. 31, lines 1-6).

It would have been obvious to one of ordinary skill in the art to include the periodic update of the data-store as taught by Jammes into the system of Wilf because it would provide a customized store to each customer according to recorded shopping habits of the particular consumer to make the on-line shopping experience convenient and expedient as well as more pleasant (page 2, [0020], lines 6-10). And it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the mobile data entry and the software program interface as taught by Herbert into the combined system of Wilf and Jammes because it would provide a system which can be used with multiple customers and also a system which is user-friendly.

As per claims 12 and 13, the system of Herbert uses a software program interface to process a request as the software can be implemented to be running on a microprocessor which performs multi-tasking (col. 9, lines 19-22). As far as utilizing the OLAP facility on the database, OLAP technology is well known in the art because it would allow consumer to enhance the ability to extract information when viewing the transaction statistics.

As per claim 14, the system taught by Herbert includes a software application that would allow actions undertaken by said database facility to be in the form of workflow steps executed by the facility as claimed.

As per claims 15 and 16, the same rejection to claims 1, 2, 4, 5, 8 and 9 above applies. Furthermore, Jammes teaches a system wherein a workflow is spawned by the template structure of said interacting with said central database facility (page 24, [0309], lines 1-7).

As per claims 17-21, the same rejection to claims 1, 2, 4 and 5 applies. Wilf does not teach a system having multiple databases interacting with one another but Jammes teaches a system wherein one function of such relational database servers is to provide to application programs a common query interface to interact with multiple database systems having different query interfaces (page 5, [0065], lines 2-7).

It would have been obvious to one of ordinary skill in the art to include the periodic update of the data-store as taught by Jammes into the system of Wilf because it would provide a customized store to each customer according to recorded shopping habits of the particular consumer to make the on-line shopping experience convenient and expedient as well as more pleasant (page 2, [0020], lines 6-10). And it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the mobile data entry and the software program interface as taught by Herbert into the combined system of Wilf and Jammes because it would provide a system which can be used with multiple customers and also a system which is user-friendly.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Langhans et al (US 5,621,201) teach an automate purchasing control system which can be customized for a corporate customer and received an authorization request over the phone lines from a remote point-of-sale terminal and processes the request using unique software.
- Berger et al (US 5,943,424) teach an architecture for processing a plurality of transactions from a single point of initiation, the initiation computer selects a terminal identification token, and associates the token with a transaction request, thereby ensuring the association of the transaction with a unique terminal identification despite being originated by the same terminal.
- Ling (US 2002/0002538 A1) teaches a method and apparatus for conducting electronic commerce transactions using electronic token.
- Webber, Jr (US 6,167,378) teaches a method and system for providing digital automation of the transaction space.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau
Ronald Laneau
Examiner
Art Unit 3627

12/22/04